

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - OUTFALL 001

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001. This discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

<u>MONITORING REQUIREMENTS</u> <u>EFFLUENT CHARACTERISTICS</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow, (MGD) <sup>3</sup>	NL	NA	NA	NL	Continuous	T, I, & R
pH (S.U.)	NA	NA	6.0	9.0	1/Day	Grab
BOD <sub>5</sub> <sup>e</sup>	22.5 mg/l	33.8 mg/l	NA	NA	5/Week	24HC
Total Suspended Solids (TSS) <sup>e</sup>	30 mg/l	45 mg/l	NA	NA	1/Day	24HC
Dissolved Oxygen (mg/l)	NA	NA	6.0 mg/l	NA	1/Day	Grab
Total Residual Chlorine (TRC) <sup>b,e</sup>	14 µg/l	17 µg/l	NA	NA	1/Day	Grab
E. coli	126 N/100ml*	NA	NA	NA	2/Month	Grab

\* Geometric Mean. Samples shall be obtained between 10 a.m. and 4 p.m.

NA = Not applicable

NL = No Limitation, monitoring required

T, I, & R = Total, Indicating, and Recording

- a. The design flow of this facility is 8.0 MGD.
- b. See Part I.B. for additional Total Residual Chlorine (TRC) requirements.
- c. See Part I.C.10. for additional monitoring requirements.
- d. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- e. See Part I.C.7. for quantification levels and reporting requirements.
- f. At least 85% removal for BOD and TSS must be attained, based on monthly averages, for this effluent.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - OUTFALL 002 AND OUTFALL 003

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from Outfall 002 and Outfall 003. Such discharges shall be limited and monitored by the permittee as specified below:

THERE ARE NO MONITORING REQUIREMENTS FOR THESE OUTFALLS

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

**B. ADDITIONAL TRC LIMITATIONS AND MONITORING REQUIREMENTS**

1. The permittee shall monitor the TRC at the outlet of each operating chlorine contact tank once per 2 hours by grab sample.
2. No more than 36 samples for TRC taken at the outlet of the chlorine contact tank and prior to dechlorination shall be less than 1.0 mg/l for any one calendar month.
3. No TRC sample collected at the outlet of the chlorine contact tank and prior to dechlorination shall be less than 0.6 mg/l.
4. If chlorine disinfection is not used, E. Coli shall be limited and monitored by the permittee as specified below:

E.coli bacteria per 100 ml of water shall not exceed the following:

	<u>Discharge Limit</u>	<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Frequency</u>	<u>Sample Type</u>
E.Coli (N/100ml)	126 (Geometric Mean)	1/day 10am to 4pm	Grab

This E. Coli requirement, if applicable, shall substitute for the TRC requirements delineated elsewhere in Part I and substitute for the E. coli limitations and monitoring frequency in Part I.A.

**C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS**

1. **95% Capacity Reopener:** A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ Blue Ridge Regional Office – Roanoke when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ Blue Ridge Regional Office - Roanoke no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.
2. **CTC, CTO Requirement:** The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC 25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.
3. **Licensed Operator Requirement:** The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.
4. **Indirect Dischargers:** The permittee shall provide adequate notice to the Department of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

5. **Sludge Use and Disposal:** The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ and Department of Health approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.
6. **Sludge Reopener:** The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.
7. **Compliance Reporting Under Part I.A and I.B.**
  - a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
BOD <sub>5</sub>	5.0 mg/L
Total Suspended Solids	1.0 mg/L
Total Residual Chlorine	100 µg/L

- b. Reporting
  - (1) Monthly Average - Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity.

Otherwise use the concentration data to determine the quantity.

- (2) Weekly Average - Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

- c. Any single datum required shall be reported as "<QL" if it is less than the QL in a. above. Otherwise the numerical value shall be reported.
- d. Monitoring results shall be reported using the same number of significant digits as listed in the permit.

**Significant Digits** -- The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. **Operations and Maintenance Manual:** The permittee shall review the existing Operations and Maintenance (O & M) Manual and notify the DEQ Regional Office in writing within 90 days of February 20, 2009 whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office within 90 days of February 20, 2009 or with the above required notification. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall include, but not necessarily be limited to, the following items, as appropriate:
  - a. Techniques to be employed in the collection, preservation, and analysis of effluent samples (and sludge samples if sludge analyses are required);
  - b. Discussion of Best Management Practices, if applicable;
  - c. Treatment works design, treatment works operation, routine preventative

maintenance of units within the treatment system, critical spare parts inventory and record keeping;

- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

9. **Water Quality Standards Monitoring** -- The permittee shall monitor the effluent at Outfall 001 for the substances noted in Attachment A, "Water Quality Criteria Monitoring" according to the indicated analysis number, quantification level, sample type and frequency. Monitoring shall be initiated after the start of the third year from the permit's effective date. Using Attachment A as the reporting form, the data shall be submitted with the next application for reissuance which is due at least 180 days prior to the expiration date of this permit. Monitoring and analysis shall be conducted in accordance with 40 CFR Part 136 or alternative EPA approved methods. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures. The DEQ will use these data for making specific permit decisions in the future. This permit may be modified or, alternatively, revoked and reissued to incorporate limits for any of the substances listed in Attachment A.

10. **Toxics Management Program**

- a. **Biological Monitoring**

- (1). In accordance with the schedule in Part I.C.10.b, the permittee shall conduct annual acute toxicity tests for the duration of the permit. The permittee shall collect 24-hour flow proportioned composite samples of final effluent from Outfall 001. The acute test to use is the 48-hour Static Acute Test using Ceriodaphnia dubia. The acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for calculation of a valid  $LC_{50}$ . Express the results as  $TU_a$  (Acute Toxic Units) by dividing  $100/LC_{50}$ . Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.
- (2). The test dilutions should be able to determine compliance with the following endpoints:
  - (a) Acute  $LC_{50}$  of 100% equivalent to a  $TU_a$  of 1.0.

- (3). The test data will be evaluated for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of Part I.C.10.a.(1) may be discontinued.

b. **Reporting Schedule**

The permittee shall report the results and supply 2 copies of the toxicity test reports specified in this Toxics Management Program in accordance with the following schedule:

<u>Period</u>	<u>Compliance Periods</u>	<u>Report Submission Dates</u>
Annual 1	2/21/2009 through 8/20/2009	9/10/2009
Annual 2	8/21/2010 through 8/20/2010	9/10/2010
Annual 3	8/21/2011 through 8/20/2011	9/10/2011
Annual 4	8/21/2012 through 8/20/2012	9/10/2012
Annual 5	8/21/2013 through 8/20/2013	9/10/2013

11. **TMDL Reopener:** This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.
12. **Reliability Class:** The permitted treatment works shall meet Reliability Class II.



**D. PRETREATMENT PROGRAM**

The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall:

1. Implement a pretreatment program that complies with the Clean Water Act, Water Control Law, State regulations and the approved program.
2. Submit to the DEQ Regional Office an annual report that describes the permittee's program activities over the previous year. The annual report shall be submitted no later than January 31 of each year and shall include:
  - a. An updated list of the Significant Industrial Users\* to the treatment works showing the categorical standards and local limits applicable to each;
  - b. A summary of the compliance status for those Significant Industrial Users affected by the categorical standards or local limits;
  - c. A summary of the number and types of Significant Industrial User sampling and inspections performed by the POTW;
  - d. All information concerning any interference, upset, VPDES permit or Water Quality Standards violations directly attributable to Significant Industrial Users and the enforcement actions taken to alleviate said events;
  - e. A description of all enforcement actions taken against Significant Industrial Users over the previous 12 months;
  - f. A summary of any changes to the submitted pretreatment program that have not been previously reported to the DEQ Regional Office;
  - g. A summary of the permits issued to Significant Industrial Users since the last annual report;
  - h. POTW and self-monitoring results for Significant Industrial Users determined to be in significant non-compliance during the reporting period;
  - i. Results of the POTW's influent, effluent, and sludge sampling not previously submitted to DEQ;
  - j. Copies of newspaper publications of all Significant Industrial Users in significant non-compliance during the reporting period (due no later than March 31 of each year);

- k. Signature of an authorized representative;
3. Within 180 days of the effective or modification date of this permit, submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW. The information shall be submitted on the DEQ Discharger Survey Form, or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of Significant Industrial Users of the POTW.
  4. Submit any changes to the approved pretreatment program to the DEQ Regional Office, and obtain approval before implementation of the changes.
  5. Ensure that all Significant Industrial Users' permits are issued/reissued in a timely manner by the POTW and are effective and enforceable.
  6. Inspect and sample all Significant Industrial Users at a minimum of once a year.
    - a. Sampling shall include all regulated parameters, and shall be representative of the wastewater discharged.
    - b. Inspection of the Significant Industrial Users shall cover all areas which could result in wastewater discharge to the treatment works including manufacturing, chemical storage, pretreatment facilities, spill prevention and control procedures, hazardous waste generation and Significant Industrial User's self-monitoring and records.
  7. Implement the reporting requirements of Part VII of the VPDES Permit Regulation.
  8. Review the Enforcement Response Plan (ERP), and ensure it meets State and Federal Regulatory requirements. The approved ERP is an enforceable part of this permit and shall be implemented.
  9. Develop local limits or reevaluate local limits using current influent, effluent, and sludge monitoring data, and submit the data and results of the evaluation to the DEQ Regional Office within one year of the effective or modification date of the permit. All Significant Industrial Users shall be sampled at the end of any categorical process and at the entrance to the treatment works.
  10. Ensure that adequate resources are available to implement the approved program.
  11. Meet all public participation requirements, and annually public notice Significant Industrial Users in significant non-compliance with pretreatment standards and requirements for the previous 12 months.

12. In lieu of the survey, the permittee may elect to develop, submit for approval, and implement a plan to continuously survey the industrial community in the permittee's jurisdiction.
13. The DEQ may require the POTW to institute changes to its pretreatment program:
  - a. If the approved program is not implemented in a way satisfying the requirements of the Clean Water Act, Water Control Law, or State regulations;
  - b. If problems such as pass-through, interference, Water Quality Standards violations or sludge contamination develop or continue; and
  - c. If Federal, State or local requirements change.

\*A Significant Industrial User is one that:

1. Has a process wastewater (\*\*) flow of 25,000 gallons or more per average workday;
2. Contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
3. Is subject to the categorical pretreatment standards; or
4. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

\*\* Excludes sanitary, non-contact cooling water, and boiler blowdown.

**E. GENERAL STORM WATER SPECIAL CONDITIONS****1. Quarterly Visual Examination of Storm Water Quality.**

a. The permittee must perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination must be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with **Part II.K** of this permit.

b. Visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no qualifying storm event occurred that resulted in storm water runoff during that quarter. The documentation must be signed and certified in accordance with **Part II.K**.

c. The visual examination reports must be maintained on-site with the Storm Water Pollution Prevention Plan (SWPPP). The report must include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

d. If the facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area

drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.

e. When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

## 2. Allowable Non-Storm Water Discharges.

a. The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with subpart 2.b, below.

- (1) Discharges from fire fighting activities;
- (2) Fire hydrant flushings;
- (3) Potable water including water line flushings;
- (4) Uncontaminated air conditioning or compressor condensate;
- (5) Irrigation drainage;
- (6) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- (7) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- (8) Routine external building wash down which does not use detergents;
- (9) Uncontaminated ground water or spring water;
- (10) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- (11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

- b. Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:
- (1) Identification of each allowable non-storm water source;
  - (2) The location where the non-storm water is likely to be discharged; and
  - (3) Descriptions of any BMPs that are being used for each source.
- c. If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower, and must select and implement BMPs to control such discharges so that the levels of cooling tower chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard.
3. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities.
- The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period:
- a. The permittee is required to notify the Department in accordance with the requirements of **Part II.G** as soon as he or she has knowledge of the discharge;
  - b. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and
  - c. The storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

**F. General Storm Water Pollution Prevention Plan Requirements.**

Refer to **Part I.G** for sector-specific storm water management requirements.

A storm water pollution prevention plan (SWPPP) for the facility was required to be developed and implemented under the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section.

The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution

prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control (ESC) plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of **Part I.F.4** (Contents of the Plan). If an ESC plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation, 4 VAC 50-30. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

1. Deadlines for Plan Preparation and Compliance.

- a. The facility shall prepare and implement the plan as expeditiously as practicable, but not later than 270 days from the effective date of the permit.
- b. Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

2. Contents of the Plan.

The contents of the SWPPP shall comply with the requirements listed below and those in **Part I.G**. The plan shall include, at a minimum, the following items:

- a. Pollution Prevention Team. The plan shall identify the staff individuals by name or title that comprise the facility's storm water pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.
- b. Site Description. The plan shall include the following:
  - (1) Activities at the Facility. A description of the nature of the industrial activity(ies) at the facility.
  - (2) General Location Map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.
  - (3) Site Map. A site map identifying the following:
    - (a) Directions of storm water flow (e.g., use arrows to show which ways storm water will flow);
    - (b) Locations of all existing structural BMPs;

- (c) Locations of all surface water bodies;
- (d) Locations of potential pollutant sources identified under **Part I.F.2.c** and where significant materials are exposed to precipitation;
- (e) Locations where major spills or leaks identified under **Part I.F.2.d** have occurred;
- (f) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; and liquid storage tanks;
- (g) Locations of storm water outfalls and an approximate outline of the area draining to each outfall;
- (h) Location and description of non-storm water discharges;
- (i) Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery; and
- (j) Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (the permittee may include an evaluation of how the quality of the storm water running onto the facility impacts the facility's storm water discharges).

(4) Receiving Waters and Wetlands. The name of the nearest receiving water(s), including intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland sites that may receive discharges from the facility.

c. Summary of Potential Pollutant Sources. The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, intermediate products, byproducts, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:

- (1) Activities in Area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and
- (2) Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years before being covered under this permit and the present.

d. Spills and Leaks. The SWPPP must clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their accompanying drainage points. For areas that are exposed to precipitation or that



otherwise drain to a storm water conveyance at the facility to be covered under this permit, the plan must include a list of significant spills and leaks of toxic or hazardous pollutants that occurred during the three-year period prior to the date of the submission of a registration statement. The list must be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

e. **Sampling Data.** The plan must include a summary of existing discharge sampling data taken at the facility, and must also include a summary of sampling data collected during the term of this permit.

f. **Storm Water Controls.** The SWPPP shall include a description of storm water management controls appropriate for the facility. The description of controls shall address the following minimum components:

(1) **Description of Existing and Planned BMPs.** The plan shall describe the type and location of existing nonstructural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. All the areas identified in **Part I.F.2.c** (Summary of Potential Pollutant Sources) should have a BMP(s) identified for the area's discharges. For areas where BMPs are not currently in place, include a description of appropriate BMPs that will be used to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

(a) The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;

(b) Opportunities to combine the dual purposes of water quality protection and local flood control benefits, including physical impacts of high flows on streams (e.g., bank erosion, impairment of aquatic habitat, etc.);

(c) Opportunities to offset the impact of impervious areas of the facility on ground water recharge and base flows in local streams, taking into account the potential for ground water contamination.

(2) **BMP Types to be Considered.** The permittee must consider the following types of structural, nonstructural and other BMPs for implementation at the facility. The SWPPP shall describe how each BMP is, or will be, implemented. If this requirement was fulfilled with the area-specific BMPs identified under **Part I.F.2.f(1)**, then the previous description is sufficient. However, many of the following BMPs may be more generalized or non-site-specific and therefore not previously considered. If the permittee determines that any of these BMPs are not appropriate for the facility, an explanation of why they are not appropriate shall be included in the plan. The BMP examples listed below are not intended to be an exclusive list of BMPs that may be used. The permittee is encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for the facility. If BMPs are being used or

planned at the facility that are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), descriptions of them shall be included in this section of the SWPPP.

(a) Nonstructural BMPs.

(i) Good Housekeeping. The permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include around trash containers, storage areas and loading docks.

Measures must also include a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.

(ii) Minimizing Exposure. Where practicable, industrial materials and activities should be protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9 VAC 25-31-120 F, thereby eliminating the need to have a permit.

(iii) Preventive Maintenance. The permittee must have a preventive maintenance program that includes timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins), as well as inspection, testing, maintenance and repairing of facility equipment and systems to avoid breakdowns or failures that could result in discharges of pollutants to surface waters.

(iv) Spill Prevention and Response Procedures. The plan must describe the procedures that will be followed for cleaning up spills or leaks. The procedures and necessary spill response equipment must be made available to those employees who may cause or detect a spill or leak. Where appropriate, the plan must include an explanation of existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), that are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.

(v) Routine Facility Inspections. Facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall be identified to inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under **Part I.F.4**, and must include an evaluation of the existing storm water BMPs. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. Any deficiencies in the implementation of the

SWPPP that are found must be corrected as soon as practicable, but not later than within 14 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections must be documented in the SWPPP, along with any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(vi) Employee Training. The SWPPP must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping, and material management practices, and must identify periodic dates for such training (e.g., every six months during the months of July and January). Employee training must be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The training should inform employees of the components and goals of the SWPPP.

(b) Structural BMPs.

(i) Sediment and Erosion Control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. The plan must identify structural, vegetative, and/or stabilization BMPs that will be implemented to limit erosion.

(ii) Management of Runoff. The plan shall describe the traditional storm water management practices (permanent structural BMPs other than those that control the generation or source(s) of pollutants) that currently exist or that are planned for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. The plan shall provide that all measures that the permittee determines to be reasonable and appropriate, or are required by a state or local authority shall be implemented and maintained. Factors for the permittee to consider when selecting appropriate BMPs should include:

(A) The industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and

(B) The beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters.

Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit under § 404 of the CWA before installation begins.

(iii) Example BMPs. BMPs that could be used include but are not limited

to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices).

(iv) Other Controls. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. Velocity dissipation devices (or equivalent measures) must be placed at discharge locations and along the length of any outfall channel if they are necessary to provide a non-erosive flow velocity from the structure to a water course.

### 3. Maintenance.

All BMPs identified in the SWPPP must be maintained in effective operating condition. If site inspections required by **Part I.F.4** identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of nonstructural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

### 4. Comprehensive Site Compliance Evaluation.

The permittee shall conduct facility inspections (site compliance evaluations) at least once a year. The inspections must be done by qualified personnel who may be either facility employees or outside constituents hired by the facility. The inspectors must be familiar with the industrial activity, the BMPs and the SWPPP, and must possess the skills to assess conditions at the facility that could impact storm water quality, and to assess the effectiveness of the BMPs that have been chosen to control the quality of the storm water discharges. If more frequent inspections are conducted, the SWPPP must specify the frequency of inspections.

a. Scope of the Compliance Evaluation. Inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in **Part I.F.2**, and areas where spills and leaks have occurred within the past three years. Inspectors should look for:

- (1) Industrial materials, residue or trash on the ground that could contaminate or be washed away in storm water;
- (2) Leaks or spills from industrial equipment, drums, barrels, tanks or similar containers;
- (3) Off-site tracking of industrial materials or sediment where vehicles enter or exit the site;
- (4) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and

(5) Evidence of, or the potential for, pollutants entering the drainage system.

Results of both visual and any analytical monitoring done during the year must be taken into consideration during the evaluation. Storm water BMPs identified in the SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

b. Based on the results of the inspection, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by **Part I.F.2.b.(3)**; revise the description of controls required by **Part I.F.2.f** to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within two weeks following the inspection, unless permission for a later date is granted in writing by the director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event, if practicable, but not more than 12 weeks after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the director;

c. Compliance Evaluation Report. A report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP, and actions taken in accordance with **Part I.F.4.b** shall be made and retained as part of the SWPPP for at least three years from the date of the inspection. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with **Part II.K**; and

d. Where compliance evaluation schedules overlap with routine inspections required under **Part I.F.2.f.(2)(a)(v)**, the annual compliance evaluation may be used as one of the routine inspections.

5. Signature and Plan Review.

a. Signature/Location. The plan shall be signed in accordance with **Part II.K**, and retained on-site at the facility covered by this permit in accordance with **Part II.B.2**.

b. Availability. The permittee shall make the SWPPP, annual site compliance inspection report, and other information available to the department upon request.

c. Required Modifications. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. The notification shall identify those provisions of the permit that are not being met, as

well as the required modifications. The permittee shall make the required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

6. Maintaining an Updated SWPPP.

The permittee shall amend the SWPPP whenever:

- a. There is a change in design, construction, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
- b. During inspections, monitoring, or investigations by facility personnel or by local, state, or federal officials it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under **Part I.F.2.c**, or is otherwise not achieving the general objectives of controlling pollutants in discharges from the facility.

7. Special Pollution Prevention Plan Requirements.

- a. Additional Requirements for Storm Water Discharges Associated With Industrial Activity That Discharge Into or Through Municipal Separate Storm Sewer Systems.

(1) In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

(2) Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system shall make plans available to the municipal operator of the system upon request.

- b. Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to EPCRA § 313 Reporting Requirements.

Any potential pollutant sources for which the facility has reporting requirements under EPCRA § 313 must be identified in the SWPPP in **Part I.F.2.c** (Summary of Potential Pollutant Sources). Note: this additional requirement is only applicable if the facility is subject to reporting requirements under EPCRA § 313.

G. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS SPECIFIC TO TREATMENT WORKS

In addition to the requirements of **Part I.F**, the plan shall include, at a minimum, the following items:

1. Site Description.

a. Site Map. The site map shall identify where any of the following may be exposed to precipitation/surface runoff: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides and pesticides.

b. Summary of Potential Pollutant Sources. A description of the potential pollutant sources from the following activities, as applicable: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads/rail lines.

2. Storm Water Controls.

a. Best Management Practices (BMPs). In addition to the other BMPs considered, the following BMPs shall be considered: routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station).

b. Inspections. The following areas shall be included in all inspections: access roads/rail lines, grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station areas.

c. Employee Training. Employee training must, at a minimum, address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and control; fueling procedures; general good housekeeping practices; proper procedures for using fertilizers, herbicides and pesticides.

d. Non-Storm Water Discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. These provisions do not apply if the discharger and the operator of the treatment works receiving the discharge are the same. In all cases, any permit conditions must be considered in the plan. If vehicle and equipment washwaters are handled in another manner (e.g., hauled off-site), the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.

**ATTACHMENT A**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WATER QUALITY CRITERIA MONITORING**

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL <sup>(1)</sup>	REPORTING RESULTS	SAMPLE TYPE <sup>(2)</sup>	SAMPLE FREQUENCY
<b>METALS</b>						
7440-36-0	Antimony, dissolved	(3)	5 ug/L		G or C	1/5 YR
7440-38-2	Arsenic, dissolved	(3)	5 ug/L		G or C	1/5 YR
7440-43-9	Cadmium, dissolved	(3)	5 ug/L		G or C	1/5 YR
16065-83-1	Chromium III, dissolved <sup>(8)</sup>	(3)	5 ug/L		G or C	1/5 YR
18540-29-9	Chromium VI, dissolved <sup>(8)</sup>	(3)	5 ug/L		G or C	1/5 YR
7440-50-8	Copper, dissolved	(3)	5 ug/L		G or C	1/5 YR
7439-92-1	Lead, dissolved	(3)	5 ug/L		G or C	1/5 YR
7440-02-0	Nickel, dissolved	(3)	5 ug/L		G or C	1/5 YR
7782-49-2	Selenium, dissolved	(3)	5 ug/L		G or C	1/5 YR
7440-22-4	Silver, dissolved	(3)	5 ug/L		G or C	1/5 YR
7440-66-6	Zinc, dissolved	(3)	5 ug/L		G or C	1/5 YR
<b>MISCELLANEOUS</b>						
	Ammonia as NH3-N	350.1	200 ug/L		C	1/5 YR
N/A	Foaming Agents (as MBAS)	(4)	(5)		G	1/5 YR

\_\_\_\_\_  
Name of Principal Exec. Officer or Authorized Agent/Title

\_\_\_\_\_  
Signature of Principal Officer or Authorized Agent/Date

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. See 18 U.S.C. Sec. 1001 and 33 U.S.C. Sec. 1319. (Penalties under these statutes may include fines up to \$10,000 and or maximum imprisonment of between 6 months and 5 years.)



FOOTNOTES:

- (1) Quantification level (QL) is defined as the lowest concentration used for the calibration of a measurement system when the calibration is in accordance with the procedures published for the required method.

The quantification levels indicated for the metals are actually Specific Target Values developed for this permit. The Specific Target Value is the approximate value that may initiate a wasteload allocation analysis. Target values are not wasteload allocations or effluent limitations. The Specific Target Values are subject to change based on additional information such as hardness data, receiving stream flow, and design flows.

Units for the quantification level are micrograms/liter unless otherwise specified.

Quality control and quality assurance information shall be submitted to document that the required quantification level has been attained.

- (2) Sample Type

G = Grab = An individual sample collected in less than 15 minutes. Substances specified with "grab" sample type shall only be collected as grabs. The permittee may analyze multiple grabs and report the average results provided that the individual grab results are also reported. For grab metals samples, the individual samples shall be filtered and preserved immediately upon collection.

C = Composite = A 24-hour composite unless otherwise specified. The composite shall be a combination of individual samples, taken proportional to flow, obtained at hourly or smaller time intervals. The individual samples may be of equal volume for flows that do not vary by +/- 10 percent over a 24-hour period.

- (3) A specific analytical method is not specified; however a target value for each metal has been established. An appropriate method to meet the target value shall be selected from the following list of EPA methods (or any approved method presented in 40 CFR Part 136). If the test result is less than the method QL, a "<[QL]" shall be reported where the actual analytical test QL is substituted for [QL].

<u>Metal</u>	<u>Analytical Method</u>
Antimony	1638; 1639
Arsenic	206.5; 1632
Chromium <sup>(9)</sup>	1639
Cadmium	1637; 1638; 1639; 1640
Chromium VI	218.6; 1639
Copper	1638; 1640
Lead	1637; 1638; 1640
Mercury	245.7; 1631
Nickel	1638; 1639; 1640
Selenium	1638; 1639
Silver	1638
Zinc	1638; 1639

- (4) Any approved method presented in 40 CFR Part 136.
- (5) The QL is at the discretion of the permittee. For any substances addressed in 40 CFR Part 136, the permittee shall use one of the approved methods in 40 CFR Part 136.
- (6) Testing for phenol requires continuous extraction.
- (7) Analytical Methods: NBSR 85-3295 or DEQ's approved analysis for Tributyltin may also be used [See A Manual for the Analysis of Butyltins in Environmental Systems by the Virginia Institute of Marine Science, dated November 1996].

- (8) Both Chromium III and Chromium VI may be measured by the total chromium analysis. If the result of the total chromium analysis is less than or equal to the lesser of the Chromium III or Chromium VI method QL, the results for both Chromium III and Chromium VI can be reported as "<[QL]", where the actual analytical test QL is substituted for [QL].
- (9) The lab may use SW846 Method 8270D provided the lab has an Initial Demonstration of Capability, has passed a PT for Kepone, and meets the acceptance criteria for Kepone as given in Method 8270D

## PART II - CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Virginia Department of Environmental Quality  
West Central Regional Office  
3019 Peters Creek Road  
Roanoke VA 24019-2738

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

C. Reporting Monitoring Results (Continued)

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

G. Reports of Unauthorized Discharges (Continued)

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I. Reports of Noncompliance (Continued)

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

K. Signatory Requirements (Continued)

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.



P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.
2. Notice
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.
3. Prohibition of bypass.
  - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

U. Bypass (Continued)

- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Part II I; and
  - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

W. Inspection and Entry (Continued)

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.